

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of CourtUNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America)	
v.)	
Gabriel Monico Guevara (born in 1981))	Case No. 22-MJ-96
)	
)	
)	
)	

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 18, 2022 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 924(c)(1)(A)(i); 21 U.S.C. §§ 841(a)(1), (b)(1)(D);	Possession of a firearm during and in relation to a drug trafficking crime; Possession with intent to distribute a mixture and substance containing marihuana.

This criminal complaint is based on these facts:

See attached affidavit.

 Continued on the attached sheet.


Complainant's signature

Leysha López, FBI Special Agent

Printed name and title

Sworn to before me by telephone or other reliable electronic means.

Date: January 21, 2022


Judge's signature

City and state: Albuquerque, New MexicoLaura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

1. I, Leysha López, Special Agent of the Federal Bureau of Investigation (FBI), being first duly sworn, make this affidavit in support of a criminal complaint and an application for a warrant to arrest **GABRIEL MONICO GUEVARA**, hereinafter GUEVARA, who I believe committed the violations described below.
2. This affidavit is based on information obtained from law enforcement officers with the Albuquerque Police Department (APD), the Drug Enforcement Administration (DEA), official law enforcement reports, and state and federal records that I have reviewed. This affidavit does not set forth all of my knowledge, or summarize all of the investigative efforts, in this on-going investigation. This affidavit is in support of a criminal complaint and arrest warrant charging GUEVARA with the following federal violations:
 - a. 18 U.S.C. §§ 924(c)(1)(A)(i) – Possession of a firearm during and in relation to a drug trafficking crime; and,
 - b. 21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession with intent to distribute a mixture and substance containing marihuana.

AFFIANT'S RELEVANT TRAINING AND EXPERIENCE

3. I have been a law enforcement officer since 2017, and I am employed as a Special Agent with the FBI. I am currently assigned to the FBI's Albuquerque Violent Crime and Gang Task Force (VCGTF), where I investigate cases involving violent repeat offenders involved in federal drug and firearm related crimes, kidnappings, robberies, and fugitives. I also assist with investigations of drug trafficking organizations and gang/criminal enterprises. I have received on-the-job training and worked alongside experienced law enforcement officers, who have been recognized in courts across the United States as experts in drug trafficking and possession

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

with intent to distribute controlled substances.

4. My investigative experience includes interviewing subjects, targets and witnesses; conducting surveillance; executing search and arrest warrants; managing cooperating sources; analyzing records; and working on joint investigations and operations with law enforcement officers from local, state and federal agencies.

STATEMENT OF PROBABLE CAUSE

5. On January 18, 2022, APD detectives executed a state search warrant at GUEVARA's known residence located at 6315 Cochiti Rd SE, Albuquerque, New Mexico. Detectives also executed a search warrant at GUEVARA's smoke shop located at 118 San Pedro Rd SE, Albuquerque, New Mexico.
6. During the execution of the search warrant of GUEVARA's residence, detectives located the following items:
 - a. Glock 17, 9mm pistol, bearing serial number BPFV829, manufactured in Austria (with ammunition in its magazine, on living room table);
 - b. Pietro Beretta, 9Corto, 9mm pistol, bearing serial number E59866, manufactured in Italy (with ammunition in its magazine, on living room table);
 - c. DPMS Panther Arms, A-15, .223 caliber rifle, bearing serial number F297396, manufactured in Minnesota (with ammunition in magazine and one round in the chamber, behind couch in living room);
 - d. Rock Island Armory, M1911, .45 caliber pistol, bearing serial number 1529237, manufactured in Philippines (with ammunition in its magazine, in bedroom drawer);
 - e. Taurus, P92, 9mm pistol, bearing serial number T6KT02901, manufactured in Brazil (with ammunition in its magazine, in bedroom drawer);

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

f. Springfield, XD, 9mm pistol, bearing serial number HE905619, manufactured in Croatia (with ammunition in its magazine, in bedroom drawer);

g. Smith & Wesson, 38 special revolver, bearing serial number 81071, manufactured in Massachusetts (in bedroom drawer);

h. Approximately 35 pounds of a green leafy substance (field-tested positive to marihuana); and

i. Approximately \$58,293 in US currency (in the bedroom)

7. GUEVARA's residence may be described as a one-bedroom apartment. During the search, detectives observed GUEVARA's pictures posted within the apartment, and they also located documents with GUEVARA's name.

8. The suspected marihuana located in GUEVARA's apartment was inside plastic bags. Multiple bags were located in the living room, and one bag was located in the living room. Additionally, detectives located other substances consistent with illegal narcotics, including but not limited to more than 50 pills that field-tested positive to oxycodone, one pill that tested-positive to fentanyl, and a white substance that field-tested positive to cocaine. The money located in GUEVARA's bedroom was inside a safe and a suitcase.

9. During the search of GUEVARA's apartment, GUEVARA provided detectives with the keys to the smoke shop he owns located at 118 San Pedro Dr SE, Albuquerque, New Mexico. During the search of the smoke shop, detectives located the following:

a. ABC, ABC-15, multi-cal rifle, bearing serial number 77-5259, manufactured in Nevada (with ammunition in its magazine and one round in the chamber, in the back room);

b. Springfield, 1911, .45 caliber pistol, bearing serial number N526847, manufactured in Brazil (with ammunition in its magazine, in the back room);

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

- c. Palmetto, PA-15, multi-cal pistol, bearing serial number SC0075836, manufactured in South Carolina (in the back room); and,
- d. Approximately 20 pounds of a green leafy substance that field-tested positive to marihuana (in the back room).

10. The amount of US currency and the amount of narcotics located in GUEVARA's apartment are consistent with drug trafficking and not with personal use. Based on the amount of narcotics, the large sums of US currency, and the amount and placement of the firearms throughout GUEVARA's one-bedroom apartment, I believe GUEVARA possessed these firearms in furtherance of his drug trafficking activities. Similarly, the firearms and narcotics located in GUEVARA's smoke shop are consistent with possessing firearms in furtherance of drug trafficking.

11. It is worth noting that at least five (5) of the firearms seized from GUEVARA's apartment and smoke shop were stolen. Several firearms were seized along with high-capacity magazines, including magazines that hold over 50 rounds of ammunition. The ABC-15 firearm seized from GUEVARA's smoke shop had red stains on it, consistent with blood stains. Therefore, agents did not conduct examinations on that firearm.

INTERSTATE NEXUS AND FIREARM DETERMINATION

12. On January 21, 2022, FBI Firearms Specialists conducted function tests on all the firearms listed above, except on the ABC-15 with serial number 77-5259. Of those firearms that were tested, the Taurus P92 pistol did not function as designed. All other firearms seized from GUEVARA's apartment and smoke shop functioned as designed. Based on my training and experience, and the markings on the firearms listed in this affidavit, I am aware that these firearms were not manufactured in New Mexico. I believe the firearms listed in this affidavit

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

meet the federal definition of a “firearm.”

CONCLUSION

13. Based on all the above information, I believe there is probable cause to charge GUEVARA with a violation of 18 U.S.C. §§ 924(c)(1)(A)(i) – Possession of a firearm during and in relation to a drug trafficking crime; and, 21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Possession with intent to distribute a mixture and substance containing marihuana.

14. Assistant United States Attorney Nora Wilson reviewed this affidavit.

Respectfully Submitted,



Leysha López Recci
FBI Special Agent

ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN BEFORE ME ON
JANUARY 21, 2022.



Honorable Laura Fashing
United States Magistrate Judge
District of New Mexico